HIGH COURT OF CHHATTISGARH AT BILASPUR

W. P. (C) No. 6975 of 2007

Petitioners
1. Smt. Meena Sharma, widow of Late Shivram Sharma, aged about 57 years, resident of Hospital Chowk, Pratap Dev Ward, Pratapganjpara, Jagdalpur, District Bastar.
2. Rohit Sharma, son of Late Late Shivram Sharma, aged about 34 years, resident of Hospital Chowk, Pratap Dev Ward, Pratapganjpara, Jagdalpur, District Bastar.

Versus

Respondents
1. State of Chhattisgarh, through the Secretary, Ministry of Town & Country Planning, Mantralay, D.K.S. Bhawan, Raipur.
2. The Collector, District Bastar.
3. The Jagdalpur Municipal Corporation, Jagdalpur, through the Commissioner.

WRIT PETITION UNDER ARTICLE 226 OF THE COSTITUTION OF INDIA

SB: Hon'ble Shri **Satish K. Agnihotri, J.**

Shri B. P. Sharma, Advocate for the petitioners.

Shri Vivek Sharma, Panel Lawyer for the respondents No. 1 and 2.

Shri A. S. Kachwaha, Advocate for the respondent No. 3.

ORAL ORDER

(Passed on this 26th day of November, 2007)

1. Learned counsel appearing for the petitioners submits that the petitioners are owners of the land situated over the plot numbers 73/1 and 74/2, total area 4476.50 square feet, situated at Pratapganj Para, Jagdalpur, Bastar. He further refers to a report of the Revenue Officers, addressed to the Nazul Officer, Bastar, District Jagdalpur dated 26.3.2007 (Annexure P/7) in support of his averment that the petitioners are owners of the land in dispute. Learned counsel further submits that some portion of the construction of structure and boundary wall has been demolished, without following due procedure of law, thus the petitioners are entitled for compensation.

2. Learned counsel appearing for the respondent No.3 Municipal Corporation submits that the petitioners have constructed the structure on the said plots, which as per Annexure P/7 belong to the petitioners, without permission of the Municipal Corporation. Some portion of the structure was demolished, which was constructed without permission of the Municipal Corporation, way back in the month of March, 2007.
3. In view of the foregoing this Court is not inclined to decide the disputed question of facts with regard to the ownership and illegal/legal construction of the building.
4. Be that as it may, in the event it is found that the construction was made on the plots of the ownership of the petitioners after obtaining due permission, the respondent No.3 may consider in accordance with law for grant of compensation, as early as possible, preferably within a period of three months from today. Subsequent demolition, if proposed or intended by the respondent No.3 shall not be done without following due procedure of law, including prior notice to the petitioners.
5. In view of the foregoing, the petition stands disposed of. No order asto costs.
6. The interim order granted on 20.11.2007 stands discharged.

Sd/-
Satish K.Agnihotri
Judge

Thakur